

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY GILLESPIE, et al.,

Plaintiff,

v.

PENNSYLVANIA STATE POLICE, et al.,

Defendant.

CIVIL ACTION
NO. 20-4948

ORDER

AND NOW, this 3rd day of December 2021, upon consideration of Plaintiffs' Complaint (Doc. No. 1), Defendants' Motion to Dismiss (Doc. No. 2), Plaintiffs' Response in Opposition (Doc. No. 6), Defendants' Reply (Doc. No. 9), Plaintiffs' Supplemental Brief on the dashcam footage (Doc. No. 16), Defendants' Response in Opposition (Doc. No. 17), Defendants' Letter on the Pennsylvania Equal Protection Claim (Doc. No. 22), Plaintiffs' supplemental brief on the Pennsylvania Equal Protection Claim (Doc. No. 23), the arguments of counsel at the hearing held on April 29, 2021, the statements of counsel for the parties during the November 9, 2021 telephone conference, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Doc. No. 2) alleging a violation of Title VI of the Civil Rights Act is **GRANTED**.
2. Defendants' Motion to Dismiss (Doc. No. 2) all claims against Defendant Commonwealth of Pennsylvania and Pennsylvania State Police is **GRANTED**.
3. Defendants' Motion to Dismiss (Doc. No. 2) the malicious prosecution claim against Defendant Johnson is **GRANTED**.
4. Defendants' Motion to Dismiss (Doc. No. 2) the Equal Protection Claims is **GRANTED**.

5. Defendants' Motion to Dismiss (Doc. No. 2) the Negligent Infliction of Emotional Distress claim is **GRANTED**.
6. The Motion to Dismiss Count I alleging False Imprisonment by Trooper Johnson will be treated as one for Summary Judgment.
7. The Motion to Dismiss the Intentional Infliction of Emotional Distress claim against Trooper Johnson will be converted into a Motion for Summary Judgment.
8. All immunities claims asserted by Trooper Johnson will be decided at the Summary Judgment stage.
9. Parties will be given time to do discovery on the Motion for Summary Judgment. Discovery shall be completed by **March 4, 2022**.
10. A hearing on the reliability and verifiability of the dashcam footage will be held on **Thursday, March 11, 2022 at 10:00 A.M.** in Courtroom 13A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
11. All supplemental Motions for Summary Judgment and supporting memoranda shall be filed no later than **March 24, 2022**, and responses to any such motions shall be filed no later than **April 21, 2022**. Motions for summary judgment and responses shall be filed in the form prescribed in Judge Slomsky's Scheduling and Motion Policies and Procedures, a copy of which can be found at www.paed.uscourts.gov.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.